

SENATE BILL NO. 492

INTRODUCED BY K. GEBHARDT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN ALTERNATIVE APPRAISAL METHOD FOR CERTAIN PURCHASES OF REAL PROPERTY OR CONSERVATION EASEMENTS BY A COUNTY, CITY, OR TOWN; AMENDING SECTIONS 7-1-4124 AND SECTION 7-8-2202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

~~Section 1.~~ Section 7-1-4124, MCA, is amended to read:

~~"7-1-4124. Powers.~~ A municipality with general powers has the power, subject to the provisions of state law, to:

- ~~(1) enact ordinances and resolutions;~~
- ~~(2) sue and be sued;~~
- ~~(3) subject to 7-8-2202, buy, sell, mortgage, rent, lease, hold, manage, or dispose of any interest in real or personal property;~~
- ~~(4) contract with persons, corporations, or any other governmental entity;~~
- ~~(5) pay debts and expenses;~~
- ~~(6) borrow money;~~
- ~~(7) solicit and accept bequests, donations, or grants of money, property, services, or other advantages and comply with any condition that is not contrary to the public interest;~~
- ~~(8) execute documents necessary to receive money, property, services, or other advantages from the state government, the federal government, or any other source;~~
- ~~(9) make grants and loans of money, property, and services for public purposes;~~
- ~~(10) require the attendance of witnesses and production of documents relevant to matters being considered by the governing body;~~
- ~~(11) hire, direct, and discharge employees and appoint and remove members of boards;~~
- ~~(12) ratify any action of the municipality or its officers or employees that could have been approved in advance;~~

- 1 ~~_____ (13) have a corporate seal and flag;~~
 2 ~~_____ (14) acquire by eminent domain, as provided in Title 70, chapter 30, any interest in property for a public~~
 3 ~~use authorized by law;~~
 4 ~~_____ (15) initiate a civil action to restrain or enjoin violation of an ordinance;~~
 5 ~~_____ (16) enter private property, obtaining warrants when necessary, for the purpose of enforcing ordinances~~
 6 ~~that affect the general welfare and public safety;~~
 7 ~~_____ (17) conduct a census;~~
 8 ~~_____ (18) conduct inventories of public property and preparatory studies;~~
 9 ~~_____ (19) condemn and demolish hazardous structures;~~
 10 ~~_____ (20) purchase insurance and establish self-insurance plans;~~
 11 ~~_____ (21) impound animals and other private property creating a nuisance or obstructing a street or highway;~~
 12 ~~_____ (22) establish quarantines;~~
 13 ~~_____ (23) classify all violations of city ordinances as civil infractions, with civil penalties, as provided in~~
 14 ~~7-1-4150; and~~
 15 ~~_____ (24) exercise powers not inconsistent with law necessary for effective administration of authorized~~
 16 ~~services and functions."~~

17
 18 **Section 1.** Section 7-8-2202, MCA, is amended to read:

19 **"7-8-2202. Appraisal required for certain purchases of real property or conservation easements.**

20 ~~(1) Unless otherwise provided by law, a county, city, or town may not purchase real property in an amount in~~
 21 ~~excess of \$10,000~~ IN AN AMOUNT IN EXCESS OF \$20,000 or a conservation easement using public funds ~~in an~~
 22 ~~amount in excess of \$40,000~~ IN AN AMOUNT IN EXCESS OF \$80,000 unless the value of the property or conservation
 23 ~~easement has been previously estimated by~~ THE VALUE OF THE PROPERTY OR CONSERVATION EASEMENT HAS BEEN
 24 PREVIOUSLY ESTIMATED BY:

25 ~~(a) FOR REAL PROPERTY IN AN AMOUNT IN EXCESS OF \$20,000 OR A CONSERVATION EASEMENT IN AN AMOUNT~~
 26 ~~IN EXCESS OF \$80,000, THE VALUE HAS BEEN DETERMINED BY~~ a disinterested certified general real estate appraiser
 27 selected by the county commission, county attorney, and landowner ~~or by the governing body of the city or town,~~
 28 ~~the city or town attorney, and the landowner; or~~

29 ~~(b) FOR REAL PROPERTY IN AN AMOUNT LESS THAN \$20,001 OR A CONSERVATION EASEMENT IN AN AMOUNT LESS~~
 30 ~~THAN \$80,001, THE VALUE HAS BEEN DETERMINED BY~~ three disinterested citizens of the county, city, or town, as

1 ~~appropriate,~~ appointed by the district judge.

2 (2) A county, ~~CITY, OR TOWN~~ may not pay more than the ~~appraised~~ APPRAISED value ~~DETERMINED UNDER~~
3 ~~SUBSECTION (1)~~ for the real property or conservation easement."

4

5 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

6

- END -